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Message Text

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70
ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 H-02 L-03 CIAE-00 INR-07

NSAE-00 SS-15 NSC-05 CPR-01 INRE-00 NSCE-00 SSO-00

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O 281945Z MAY 75 ZFF-4
FM AMEMBASSY MEXICO
TO SECSTATE WASHDC IMMEDIATE 7973

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FOR WALENTYNOWICZ FROM AMBASSADOR JOVA

EO 11652: NA
TAGS: CGEN, CASC, MX
SUBJECT: CONGRESSIONAL/DEPARTMENT INTERVIEWING TEAM

1. AS YOU KNOW I HAD RAISED WITH GALLASTEGUI THE PROPOSALS MADE BY DEPARTMENT FOR CONGRESSIONAL/DEPARTMENT INTERVIEWING TEAM TO TAKE DEPOSITIONS IN THE PRISONS THROUGH THE ASSISTANCE OF COURT STENOGRAPHERS. HE REFERRED THE MATTER TO FOREIGN SECRETARY RABASA WITH WHOM I SPOKE YESTERDAY DURING PERSONAL CALL AT MINISTRY. RABASA, WHILE SHOWING LITTLE ENTHUSIASM, SEEMED UNDERSTANDING OF OUR PROBLEM BUT WISHED TO CONSULT HIS ADVISERS (AND PERHAPS THE PRESIDENCY) AND SAID HE WOULD LET ME KNOW EVENING OF THE 27TH.

2.I DID NOT GET AN ANSWER LAST NIGHT, THUS I SPOKE TO HIM AT HIS HOME THIS MORNING AND HE PROMISED TO GIVE ME A REPLY BEFORE NOON. HE HAS JUST CALLED AND SAID THAT AFTER DISCUSSING THE MATTER WITHIN THE GOM HE REGRETTED THAT HE MUST GIVE US A NEGATIVE ANSWER. A GROUP WHICH WOULD GIVE THE IMPRESSION OF AN INVESTIGATING COMMISSION ENTERING INTO MEXICAN SOVEREIGNTY AND WOULD APPEAR AS IF AN INQUIRY WERE BEING MADE OF THE MEXICAN JUDICIAL SYSTEM. WHEN I POINTED OUT THAT THIS WAS NOT THE CASE,
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THAT THE GROUP WOULD INVESTIGATE COMPLAINTS AGAINST

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CONSULAR OFFICERS, HE MAINTAINED THAT IT WOULD STILL APPEAR
AS IF FOREIGN OFFICIAL BODY WERE INVESTIGATING THE EXECUTION
OF MEXICAN JUSTICE AND MEXICAN PRISON SYSTEM. FOR AFTER ALL
THE COMPLAINTS INVOLVED NOT ONLY CONSULAR PROTECTION BUT
STEMMED FROM ALLEGED MISTREATMENT BY PRISON AUTHORITIES.
HE SAID THAT HE WOULD BE PREPARED TO RECEIVE A MEMORANDUM
FROM THE EMBASSY AT ANY TIME THAT WE WISHED TO BRING TO
HIS ATTENTION WELL-FOUNDED COMPLAINTS.

3. I THEN PROPOSED TO HIM THAT IF THE VISITING INTERVIEWING
TEAM WERE UNACCEPTABLE THAT PERHAPS WE MIGHT WORK OUT A
PROCEDURE UNDER WHICH OUR CONSULAR OFFICERS COULD TAKE
DEPOSITIONS FROM SELECTED AMERICAN PRISONERS UNDER OATH
AS I FELT THAT THIS WAS NOT IN DISACCORD WITH THE CONSULAR
CONVENTION. RABASA, WHO WAS IN AN AGITATED MOOD, MAINTAINED
THAT WHILE INTERROGATION AND CONTACT WITH AMERICAN PRISONERS
WAS SUITABLE FOR CONSULAR OFFICERS, HE WAS OF THE OPINION
THAT THE CONSULAR OFFICER'S OWN AFFIRMATION REGARDING
A PRISONER'S STATEMENT SHOULD BE ACCEPTABLE UNDER ESTABLISHED
LEGAL PRACTICE IN LIEU OF ACTUAL DEPOSITIONS UNDER OATH.
I POINTED OUT THAT AS THIS TOUCHED ON THE INVESTIGATION
OF THE CONDUCT OF CONSULAR OFFICERS IT WOULD BE MORE
SATISFACTORY FOR US TO OBTAIN A SWORN STATEMENT AND THAT
I FELT THAT SUCH PROCEDURES WERE COVERED UNDER THE
MEXICAN/U.S. CONSULAR CONVENTION. SUCH A PROCEDURE WOULD
PROTECT HIS QUALMS AS TO MEXICAN SOVEREIGNTY WHILE AT THE
SAME TIME AFFORDING AN ALTERNATIVE PROCEDURE FOR OBTAINING
THE SWORN STATEMENTS WHICH WE DESIRED. A COURT SENOGRAPHER'S
PRESENCE WOULD BE REQUIRED.

4. RABASA WAS NOT ENTHUSIASTIC ABOUT THIS ALTERNATIVE
PROCEDURE BUT SAID THAT HE WOULD GIVT IT CAREFUL THOUGHT,
READ THE TEXT OF THE CONSULAR CONVENTION HIMSELF AND OBTAIN
ADVICE FROM HIS STAFF (AND PRESUMABLY FROM ABOVE).
JOVA

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